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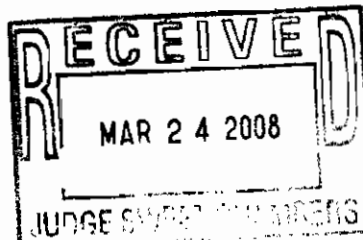
# Mason Tenders District Council

OF GREATER NEW YORK & LONG ISLAND

Haluk Savci

ASSOCIATE GENERAL  
COUNSEL

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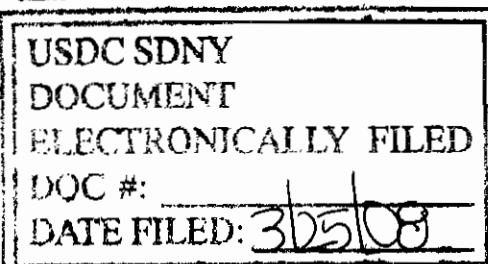


March 21, 2008

*Served  
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**By Hand and Regular Mail**

The Honorable Robert W. Sweet  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312



Re: *Trustees for the Mason Tenders District Council Welfare Fund et. al.*  
*v. Edge Development Construction, Inc. and J.A. "Drew" Diaz,*  
07 CV 8818 (RWS)

Your Honor:

I am counsel to Plaintiffs in the above-referenced matter. Pursuant to your March 17, 2008 order, I respectfully write to show cause why the action should be reopened with respect to Defendant Edge Development Construction, Inc ("Edge" or the "Corporate Defendant").

By way of summary, this action was commenced on October 12, 2007 against the Corporate Defendant and its principal, J.A. Diaz ("Defendant Diaz") as an action to confirm the October 14, 2006 default arbitration award of Arbitrator Robert Herzog in favor of the Mason Tenders District Council Trust Funds.

After filing the complaint, this office forwarded a copy of the summons and complaint to our process servers for service of process on both Defendants. The process servers were unable to effect service on either Defendant and reported that the Corporate Defendant had apparently ceased operations. On November 29, 2007, our process servers then served papers through the Secretary of State of New York on an Edge Development Construction, Inc. listed by the Secretary of State as located since 1992 at 27 Calvin Avenue, Syosset, NY 11791. A copy of the December 5, 2007 affidavit of service is attached. However, this Syosset address did not match Plaintiffs' records. Correspondence received from the Corporate Defendant, the signature page of the collective bargaining agreement Edge entered into with the Mason Tenders District Council and Defendant Diaz's testimony at the underlying arbitration hearing all

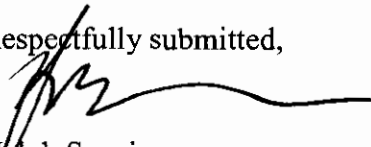
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identified the Corporate Defendant's address as 150 West 28<sup>th</sup> Street, New York, NY 10001. Additionally, there has been no response to date to the summons and complaint served on the Syosset address.

Accordingly, given these facts Plaintiffs were uncertain that service of process had been properly effected through the Secretary of State on the Corporate Defendant. Plaintiffs withheld filing the affidavit of service with the Clerk of the Court until completion of an investigation to confirm the entity identified in the affidavit was indeed the Corporate Defendant. This investigation is ongoing and will be completed by no later than March 30, 2008.

Given the above, Plaintiffs respectfully request that the Court reopen the action with the respect to the Corporate Defendant and Plaintiffs be allowed until April 4, 2008 to either file the December 5, 2007 affidavit of service with the Clerk of the Court indicating timely service pursuant to F.R.C.P 4(m) or submit a motion to the Court withdrawing the action against the Corporate Defendant without prejudice.

Respectfully submitted,



Haluk Savci

Enc.

CC: Edge Development Construction, Inc.  
27 Calvin Avenue  
Syosset, NY 11791 (By regular mail)

Edge Development Construction, Inc.  
150 West 28<sup>th</sup> Street  
New York, NY 10001 (By regular mail)